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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
REGARDING EXTENDED BRIEFING
SCHEDULE AND ENLARGEMENT OF
PAGE LIMITS FOR TERMS OF USE
MOTION**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

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STIPULATION

WHEREAS, on December 28, 2023, the Court issued an order regarding discovery and initial motions. Pretrial Order No. 5, Dkt. No. 175;

WHEREAS, the Court ordered Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC (collectively “Uber”) to “file any pretrial motion raising arguments about its Terms of Use Agreement(s) and their effect on Plaintiffs’ ability to bring their claims in a coordinated or consolidated proceeding (the “Terms of Use Motion”)” by February 9, 2024. *Id.* at 5. The Court further ordered Plaintiffs to file their oppositions to any such motion by February 23, 2024, and Defendants to file any replies in support of such motion by March 1, 2024. *Id.*

WHEREAS, Uber asserts that the legal and factual analysis required for Uber’s Terms of Use Motion cannot adequately be set forth within the 15-page limit provided by the Court’s General Standing Order for Civil and Criminal Cases, and thus Uber requests leave to exceed such page limit, such that it would be granted an additional 15 pages for its Terms of Use Motion, for a total page limit of 30 pages;

WHEREAS, the parties agreed that Plaintiffs may receive a reciprocal extension of the page limit for their opposition, extending the limit for the opposition to a total of 30 pages;

WHEREAS, the parties have met and conferred about the issues in dispute and agree that an extended briefing schedule will facilitate the efficient resolution of those disputes and thereby conserve judicial resources;

WHEREAS, in view of the above, the parties agree to an extended briefing schedule and an additional 15 pages for Uber’s Terms of Use Motion, with an opening brief (not to exceed 30 pages) due on February 9, 2024, an opposition brief (not to exceed 30 pages) due on March 8, 2024, and a reply brief due on March 22, 2024;

THEREFORE, the parties respectfully request the Court enter the parties’ stipulation that:

1. Uber shall be granted an additional 15 pages for its Terms of Use Motion, for a total of 30 pages. Defendants’ Motion shall remain due February 9, 2024;
2. Plaintiffs’ Opposition to Defendants’ Motion shall be due March 8, 2024, and Plaintiffs shall be granted an additional 15 pages for their Opposition to the Terms of

Use Motion, for a total of 30 pages;

3. Defendants' Reply shall be due March 22, 2024; and

4. A hearing on the Motion will be set for a date and time deemed suitable by the Court.

IT IS SO STIPULATED.

Dated: February 6, 2024

**PAUL, WEISS, RIFKIND, WHARTON &
GARRISON LLP**

By: /s/ Randall S. Luskey

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RANDALL S. LUSKEY
KYLE N. SMITH
JESSICA E. PHILLIPS
CAITLIN E. GRUSAUSKAS
ANDREA M. KELLER

Attorneys for Defendants
UBER TECHNOLOGIES, INC.,
RASIER, LLC, and RASIER-CA, LLC

Dated: February 6, 2024

By: /s/ Sarah R. London

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Co-Lead Counsel for Plaintiffs

FILER'S ATTESTATION

I, Randall S. Luskey, am the ECF User whose ID and password are being used to file this document. In compliance with Civil Local Rule 5-1(i)(3), I hereby attest that each of the signatories identified above has concurred in this filing.

Dated: February 6, 2024

By: /s/ Randall S. Luskey
Randall S. Luskey

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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION
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11 IN RE: UBER TECHNOLOGIES, INC.,
12 PASSENGER SEXUAL ASSAULT
LITIGATION

Case No. 3:23-md-03084-CRB

~~PROPOSED~~ ORDER GRANTING
STIPULATION FOR EXTENDED BRIEFING
SCHEDULE AND ENLARGEMENT OF PAGE
LIMITS FOR TERMS OF USE MOTION

13 This Document Relates to:
14 ALL ACTIONS
15

16
17 The Court hereby GRANTS the parties' stipulation as follows:

- 18 1. Uber shall be granted an additional 15 pages for its Terms of Use Motion, for a total
19 of 30 pages. Defendants' Motion shall remain due February 9, 2024;
20 2. Plaintiffs' Opposition to Defendants' Motion shall be due March 8, 2024, and
21 Plaintiffs shall be granted an additional 15 pages for their Opposition to the Terms of
22 Use Motion, for a total of 30 pages;
23 3. Defendants' Reply shall be due March 22, 2024; and
24 4. A hearing on the Motion will be set for a date and time deemed suitable by the Court.

25 **IT IS SO ORDERED.**

26
27 Date: February 7, 2024


HON. CHARLES R. BREYER
UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

IN RE: UBER TECHNOLOGIES, INC.,
PASSENGER SEXUAL ASSAULT
LITIGATION

This Document Relates to:

ALL ACTIONS

Case No. 3:23-md-03084-CRB

**DECLARATION OF RANDALL S. LUSKEY
IN SUPPORT OF STIPULATION
REGARDING EXTENDED BRIEFING
SCHEDULE AND ENLARGEMENT OF
PAGE LIMITS FOR TERMS OF USE
MOTION**

Judge: Hon. Charles R. Breyer
Courtroom: 6 – 17th Floor

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DECLARATION OF RANDALL S. LUSKEY

I, Randall S. Luskey, declare pursuant to 28 U.S.C. § 1746:

1. I am an attorney at the law firm of Paul, Weiss, Rifkind, Wharton & Garrison LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I respectfully submit this declaration in support of Uber’s Stipulation and [Proposed] Order Regarding Extended Briefing Schedule and Enlargement of Page Limits for Terms of Use Motion. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so.

2. The Court ordered Uber to “file any pretrial motion raising arguments about its Terms of Use Agreement(s) and their effect on Plaintiffs’ ability to bring their claims in a coordinated or consolidated proceeding (the “Terms of Use Motion”)” by February 9, 2024. Pretrial Order No. 5, Dkt. No. 175 at 5.

3. The parties have met and conferred regarding the issues in dispute and agree that an extended briefing schedule will facilitate the efficient resolution of those disputes and thereby conserve judicial resources.

4. If the Court grants the parties’ Stipulation Regarding Extended Briefing Schedule and Enlargement of Page Limits for Terms of Use Motion, Plaintiffs’ Opposition to Defendants’ Motion will be due on March 8, 2024 and Uber’s Reply will be due on March 22, 2024. It is anticipated that this request will not otherwise impact the schedule of this action.

5. To the best of my knowledge, the previous time modifications in this case, whether by stipulation or Court order are:

- a. On December 14, 2023, the Court granted the stipulation to extend the deadline for filing the joint submission required by Pretrial Order No 4. to December 21, 2023 (ECF 158);
- b. On December 14, 2023, the Court granted the stipulation to extend the deadline for filing the joint proposed conference agenda to January 15, 2024 (ECF 158);

- 1 c. On December 18, 2023, the Court granted the stipulation to extend Defendants’
2 deadline to respond to Plaintiffs’ motion to enforce Pretrial Order No. 2 and to
3 compel Defendants to produce litigation hold and preservation information to
4 December 22, 2023 (ECF 163);
- 5 d. On January 11, 2024, the Court granted the stipulation to extend the deadline for
6 filing joint or competing fact sheets and supporting statements to January 24, 2024
7 (ECF 198);
- 8 e. On January 17, 2024, the Court granted the stipulation to extend Defendants’
9 deadline to respond to Plaintiffs’ administrative motion to consider whether another
10 party’s material should be sealed to January 23, 2024 (ECF 209);
- 11 f. On January 24, 2024, the Court granted the stipulation regarding the extension of
12 time in which to submit proposed privilege orders to January 26, 2014 (ECF 223);
- 13 g. On January 24, 2024, the Court granted the stipulation regarding the extension of
14 time for filing proposed joint or competing fact sheets and supporting statements to
15 January 31, 2024 (ECF 223); and
- 16 h. On February 5, 2024, the Court granted the stipulation extending time to submit a
17 joint or competing ESI protocol to February 12, 2024 (ECF 247).

18 I declare under penalty of perjury under the laws of the State of California that the foregoing
19 is true and correct.

20 Executed on February 6, 2024, in San Francisco, California.

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22 /s/ Randall S. Luskey
Randall S. Luskey